

REMARKS

The Office Action received October 22, 2009, has been received and carefully considered. In this response, claims 12-20 have been cancelled without prejudice. Reconsideration of the current rejections in the present application is respectfully requested based on the following remarks.¹

I. INTERVIEW SUMMARY

At the outset, the undersigned thanks Examiner Lanier for the courtesies extended during the telephonic interview conducted on November 3, 2009, during which agreement was reached regarding the claims. Specifically, Examiner Lanier and Applicant's representative agreed that claims 1 and 3-11 were in condition for allowability. To help forward the application towards allowance, Applicant's representative agreed to cancel claims 12-20, while reserving the right to pursue those claims in a continuation application.

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions made by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

II. THE RESTRICTION REQUIREMENT IS MOOT

On page 2 of the Office Action, the claims were restricted to one of two patentably distinct species of the claimed invention: one species directed to "Originally filed claim 5," and another species directed to claims 1 and 3-11.

In view of the November 3, 2009 telephone interview between Examiner Lanier and Applicant's representative -- in which it was agreed that the application would be in condition for allowance upon the cancellation of claims 12-20 -- it is respectfully submitted that the pending restriction requirement has been rendered moot. Withdrawal of the same is respectfully requested.

III. THE OBVIOUSNESS REJECTION OF CLAIMS 12-20 IS MOOT

On page 5 of the Office Action, claims 12-20 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rogaway ("OCB: A Block-Cipher Mode of Operation for Efficient Authenticated Encryption") in view of Schneier ("Applied Cryptography, Second Edition").

Claims 12-20 have been cancelled without prejudice or disclaimer to the subject matter contained therein. Thus, the obviousness rejection to claims 12-20 has been rendered moot. Withdrawal of the same is respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 14-1315, and please credit any excess fees to the same deposit account.

Respectfully submitted,

Hunton & Williams LLP

By: 

Thomas E. Anderson
Registration No. 37,063

U.S. Patent Application No.: 10/772,433
Attorney Docket No.: 57983.000164
Client Reference No.: 16404ROUS01U

TEA/ple

1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201

Date: November 18, 2009